



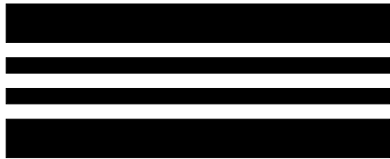
Utah State Tax Commission

Utah Fiduciary Income Tax Return And Instructions

TC-41

210 North 1950 West
Salt Lake City, Utah 84134
(801) 297-2200
1-800-662-4335
<http://www.tax.ex.state.ut.us>

1998



Utah State Tax Commission Utah Fiduciary Income Tax Return For the year ending Dec. 31, 1998, or other taxable year beginning _____, 19____ and ending _____, 19____.	TC-41 Rev. 12/98 1998
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☐ Check box if name and/or address has changed from the previous year's filing.

• ☐ Check if Final Return

• ☐ Check if Amended
• ☐ Reason for Amending

Please type or print in black ink.	Full name of the estate or trust		Employer identification number
	Name of fiduciary		Federal identification or social security number of fiduciary
	Fiduciary's present address		
	City, town or post office	County (province)	State and ZIP code (foreign country)

● 1. Type of return (check one)

E ☐ Decedent estate **H** ☐ Charitable trust **G** ☐ Grantor trust
S ☐ Simple trust **A** ☐ Bankruptcy estate.-Ch 7
C ☐ Complex trust **B** ☐ Bankruptcy estate.-Ch 11

● 2. Status of estate or trust (check one)

☐ Resident
☐ Nonresident

● 3. Check if this estate or trust has any nonresident beneficiaries?

☐ Nonresident Beneficiaries

ATTACH FORM W-2, TC-675R, OR K-1 HERE

4. Federal taxable income from federal form 1041 line 22, or Schedule A, line 10 on reverse if nonresident	●	4		00
5. State income taxes deducted on federal return (Utah portion only if nonresident)	●	5		00
6. Interest on U.S. government obligations allocated to beneficiaries (see instructions)	●	6		00
7. Total (add lines 4, 5, and 6)		7		00
8. Interest income from U.S. government obligations used in arriving at federal taxable income	●	8		00
9. 1/2 federal tax liability on federal return (see instructions)	●	9		00
10. State tax addback allocated to beneficiaries - (see instructions)	●	10		00
11. Other deductions: (see instructions)		11		00
● <input type="checkbox"/> UESP ● <input type="checkbox"/> Railroad Retirement ● <input type="checkbox"/> Native American				
12. Total subtractions (add lines 8 through 11)		12		00
13. Utah taxable income (line 7 less line 12)	●	13		00
14. Utah tax (compute from Rate Schedule on back using amount on line 13)	●	14		00
15. Utah use tax (untaxed purchases subject to use tax multiplied by the local use tax rate)	●	15		00
16. AMENDED RETURNS ONLY - previous refund received on original return	●	16		00
17. Total tax (add lines 14 through 16)		17		00
18. Credit for taxes paid to another state (from Schedule B, line 7 on back of return)	●	18		00
19. Utah tax withheld (see instructions)	●	19		00
20. Credit for Utah income tax prepaid (from form TC-548)	●	20		00
21. Other credits (from Schedule C, line 15 on back of return)	●	21		00
22. AMENDED RETURNS ONLY - credit for tax paid on original return	●	22		00
23. Total credits (add lines 18 through 22)		23		00
24. TAX DUE - if line 17 is larger than line 23, subtract line 23 from line 17. This is the amount you owe.	☹	24		00
25. Penalty and interest (for extension, late filed, or amended returns)		25		00
26. Total amount paid with return (add lines 24 and 25)	●	26		00
27. REFUND - if line 23 is larger than line 17, subtract line 17 from line 23 and enter balance. This is the amount overpaid.	☺	27		00

Mail your return and payment to: Utah State Tax Commission, 210 N 1950 W, SLC, UT 84134-0250

Attach a complete copy of the federal fiduciary return, Form 1041 and Schedules

Under penalties of perjury, I declare that to the best of my knowledge and belief, this return and accompanying schedules are true, correct, and complete.

Signature of fiduciary or officer representing estate or trust		Date	EIN of fiduciary if a financial institution	
Paid preparer's signature	Date signed	Check if self-employed <input type="checkbox"/>	Preparer's social security no.	
Firm's name (or yours if self-employed)	Telephone number		E.I. number	
Paid preparer's complete address	City	State	ZIP code	

Paid Preparer's Section

Schedules A, B, and C Utah Tax Rate Schedules

Schedule A – Computation of the federal taxable income of the estate or trust derived from Utah sources.

To be completed by all nonresident estates or trusts.

1. Total income from federal form 1041, line 9	1	\$	00
2. Ordinary income derived from Utah sources (attach schedule - see instructions)	2		00
3. Utah capital gain or (loss) (attach schedule – see instructions)	3		00
4. Total income derived from Utah sources (add lines 2 and 3)	4	\$	00
5. Percent of total federal income derived from Utah sources (line 4 divided by line 1)	5		%
6. Deductions from federal form 1041 directly allocable to Utah income	6		00
7. Deductions from federal form 1041 not allocable to any specific income	7		00
8. Allocable amount of line 7 (line 7 multiplied by line 5)	8		00
9. Total deductions allocable to Utah income (add lines 6 and 8)	9		00
10. Federal taxable income derived from Utah sources (line 4 less line 9). Enter here and on line 4 on front of form	10	\$	00

Schedule B – Credit for fiduciary income tax paid to another state. Applies only to resident estates or trusts paying a fiduciary tax to another state. You must attach a signed copy of all other state fiduciary returns for which credit is claimed.

1. Total income from federal form 1041, line 9	1	\$	00
2. Total income taxed in state(s) of:	2		00
3. Percent other state(s) income bears to total income (line 2 divided by line 1; do not enter more than 100%)	3		%
4. Utah fiduciary tax as computed on line 14 on front of form	4		00
5. Credit limitation (line 4 multiplied by percent on line 3)	5		00
6. Fiduciary tax paid to state(s) listed on line 2	6		00
7. Credit for fiduciary taxes paid to other state(s) (line 5 or 6, whichever is less). Enter here and on line 18 on front of form	7	\$	00

Schedule C – Other credits

1. Energy systems installation credit (attach TC-40E)	1	\$	00
2. Clean fuel alternative credit (attach form TC-40F)	2		00
3. Clean fuel vehicle credit (attach form TC-40V)	3		00
4. Historic preservation tax credit (attach form TC-40H)	4		00
5. Enterprise zone credit (see instructions)	5		00
6. Credit for cash contribution to qualified sheltered workshop. Name of workshop			
Total cash contribution \$ x .50 (maximum credit is \$200)	6		00
7. Low income housing tax credit (see instructions)	7		00
8. Credit for employers who hire disabled (attach form TC-40HD)	8		00
9. Recycling market development zones (attach form TC-40R)	9		00
10. Tutoring tax credit for disabled dependents	10		00
11. Nonrefundable credits (add lines 1 through 10) This amount cannot be greater than line 14 less line 18 on front of return.	11		00
12. Mineral production withholding tax credit (attach TC-675R or federal Schedule K-1)	12		00
13. Agricultural off-highway gas/undyed diesel tax credit. Gallons times .245 (See instructions)	13		00
14. Nonresident beneficiary shareholder's withholding tax credit	14		00
15. Total of other credits (add lines 11 through 14 and enter total here and on line 21 on front of return)	15		00

1998 Utah Fiduciary Tax Rate Schedule

FIDUCIARY TAX RATE SCHEDULE – Calculate the tax based upon income amount shown on line 13 on front of return. Enter amount of tax on line 14 on front of return.

If the state taxable income is:

The tax is:

Less than or equal to \$750	2.3% of the state taxable income
Over \$750 but not over \$1,500	\$17, plus 3.3% of excess over \$750
Over \$1,500 but not over \$2,250	\$42, plus 4.2% of excess over \$1,500
Over \$2,250 but not over \$3,000	\$74, plus 5.2% of excess over \$2,250
Over \$3,000 but not over \$3,750	\$113, plus 6.0% of excess over \$3,000
Over \$3,750	\$158, plus 7.0% of excess over \$3,750

General Instructions and Information

Who Must File

A fiduciary of a resident estate or trust, or a fiduciary of a nonresident estate or trust with income derived from Utah sources, if required to file a U.S. Fiduciary Income Tax Return, must file a Utah Fiduciary Income Tax Return (form TC-41). A complete copy of the U.S. Fiduciary Income Tax Return, form 1041 (including copies of all applicable schedules such as Schedule K-1 and Schedules A, B, D, G, I, and J), must be attached to the Utah return.

Fiduciary and Estate Defined

The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any individual or entity. The term "estate" refers only to the estate of a deceased person and does not include a trust that is maintained for minors, for a person adjudicated incompetent, or for any person who is suffering from some other legal disability.

Note: Throughout these instructions, any reference to "you" means the fiduciary of the estate or trust.

Domicile Defined

The term "domicile" means the place where an individual has a true, fixed permanent home and principal establishment, and to which place he has, whenever he is absent, the intention of returning. It is the place in which a person has voluntarily fixed the habitation of himself and his family, not for a mere special or temporary purpose, but with the present intention of making a permanent home (28 C.J.S. Domicile §1). After a domicile has been established, two things are necessary to create a new domicile: first, an abandonment of the old domicile; and second, the intention and establishment of a new domicile. The mere intention to abandon a domicile, once established, is not sufficient to create a new domicile. Before a person can be said to have changed his domicile, even though he manifests an intention to abandon the old domicile, a new domicile must be shown.

Resident Estate and Resident Trust Defined

"Resident estate" or "resident trust" means:

- a. an estate of a decedent who, at his death, was domiciled in this state;
- b. a trust, or a portion of a trust, consisting of property transferred by will of a decedent who at his death was domiciled in this state; or

- c. a trust administered in this state. A trust shall be considered to be administered in this state if:
 - (i) the place of business where the fiduciary transacts a major portion of its administration of the trust is in this state; or
 - (ii) the usual place of business of the fiduciary is in this state.

Nonresident Estate and Nonresident Trust Defined

The terms "nonresident estate" or "nonresident trust" are defined as estates or trusts that are not resident estates or trusts.

Exempt Trusts Defined

A trust that is exempt from federal income tax is exempt from Utah income tax unless there is unrelated business income in Utah.

When and Where to File

A return for the calendar year must be filed with the Utah State Tax Commission, 210 N 1950 W, SLC, UT 84134-0250 on or before April 15, 1999. A return for a fiscal year must be filed on or before the 15th day of the fourth month after the close of that fiscal year.

Extension of Time for Filing Return

Taxpayers are automatically accorded an extension of up to six months to file their returns. This is an extension of time for filing your return and not an extension of time to pay tax due. While the extension to file is automatic, if the statutorily prescribed prepayment is not received by the Tax Commission by the original due date of the return (generally April 15th), penalties will be assessed.

The prepayment amount must be equal to at least 90 percent of the tax due, or 100 percent of the amount of your previous years Utah tax liability. A prepayment may be in the form of withholding (W2, TC-675R, 1099R, 1099G, etc.), tax credit and/or payment made on form TC-548 on or before the return due date. Penalties and interest are assessed on the unpaid tax during the extension period.

Amended Returns for 1998

An amended state return for 1998 should be filed promptly if:

1. you discover an error on your state or federal return after it has been filed; or

2. your federal return is audited or adjusted by the IRS and the IRS audit or adjustment affects your state return. You must amend your state return within 90 days of the IRS's final determination. If you are unsure whether or not your state taxes are affected by an audit or adjustment, please contact the Tax Commission.

If you need to amend a return for a tax year other than 1998, please use the tax form and instructions for the year you are amending.

To qualify for a refund or credit, an amended return must generally be filed within three years following the date the original return was filed. A return filed before the due date is considered filed on the due date. If an amended return is required to be filed based on changes made by the IRS, a claim for refund or credit must be made within two years after a Utah amended return was required to be filed.

To amend a previously filed 1998 state fiduciary income tax return:

1. check the amended box located at the top of the return; and
2. indicate the reason for amending, by writing one of the following numbers in the box provided on the return.

Reasons for Amending

1. you filed an amended return with the Internal Revenue Service (you must attach a copy of your amended federal return);
2. you made an error on your state return (attach an explanation of the error);
3. your tax calculation was changed by an Internal Revenue Service audit and/or adjustment (attach a copy of the IRS adjustment);
4. you had a net operating loss. Utah allows net operating losses to be carried back/forward on state fiduciary income tax returns in the same manner as on federal fiduciary income tax returns (attach a copy of your amended federal return); or
5. other (please attach explanation to return).

Remember, except for the amounts you amend, all other amounts you place on the return must match the amounts you placed on those lines on your original return.

Complete the return entering the figures as corrected.

If you received a refund on your original return, enter the total previous refunds on line 16 of the 1998 return. If you paid with the original return or made subsequent payments of the tax prior to filing the amended return, enter the total previous payments on line 22 of the 1998 return.

Period to be Covered by Return

The first return filed by an administrator or executor of an estate must cover the period from the date of death of the decedent to the end of the first tax year selected by the fiduciary. The first return filed by a fiduciary of a trust must cover the period beginning with the creation of the trust to the end of the first tax year selected by the fiduciary. Returns must be filed for each subsequent year that the estate or trust is in existence. The taxable year cannot be longer than 12 months and must coincide with the tax year selected for purposes of filing the federal return. The accounting methods used for federal fiduciary income tax purposes must be the same for Utah fiduciary income tax purposes.

Check the box provided in the top center of the return if this is a final return.

Additions and Subtractions for State Taxes, and Interest on U.S. Government Obligations Allocated to Beneficiaries

The estate or trust must include the full amount of each of these items. The amount of the state tax addback and the interest on U.S. government obligations that are allocated to beneficiaries, as explained below, are entered on line 10 and line 6 of the return.

The respective shares of an estate or trust and its beneficiaries (including an estate or trust that is a beneficiary of another estate or trust) in the state tax addback and interest on U.S. government obligations shall be in proportion to their respective shares of federal distributable net income of the estate or trust. If the estate or trust has no federal distributable net income for the taxable year, the share of each beneficiary in the state tax addback and U.S. government obligations shall be in proportion to its share of the estate or trust income for that year, which is, under state law or the governing instrument, required to be distributed currently plus any other amounts of such income distributed in that year.

Amounts Reportable as Utah Income by the Beneficiaries

Resident beneficiaries will report to Utah the income from the estate or trust included in the beneficiary's federal adjusted gross income as though the beneficiary received the income directly. The residence of the estate or trust does not affect the source of income for computing the beneficiary's Utah individual income tax. Nonresident beneficiaries must file Utah income tax returns and report that portion of their distribution that was derived from Utah sources (see Instructions for Schedule A, following the Line-By-Line Instructions).

Payment of Tax

The tax due is required to be paid in full with the return. Make check or money order payable to the Utah State Tax Commission.

Signature

Be sure that the return is properly signed. An unsigned return is not a valid return and in case of any controversy, the benefits of filing a proper, timely return may be denied.

Penalties

The penalty for failure to file a tax due return by the due date is the greater of \$20 or 10 percent of the unpaid tax. In addition, if a tax balance remains unpaid 90 days after the due date, a second penalty, the greater of \$20 or 10 percent of the tax balance, will be added for failure to pay timely.

The penalty for failure to pay tax due as reported on a timely filed return, or within 30 days of a notice of deficiency, is the greater of \$20 or 10 percent of the tax due.

The penalty for underpayment of an extension prepayment is 2 percent per month of the unpaid tax during the extension period.

For a list of additional penalties that may be imposed, please refer to Utah Code Ann. Section 59-1-401.

Interest

Utah law requires that any tax paid after the due date of the return shall include interest on the balance due. Effective October 12, 1993, the calendar year interest rate applicable for all taxes and fees administered by the Tax Commission shall be two percentage points above the federal short-term rate in effect for the preceding fourth calendar quarter. This rate is published by the Internal Revenue Service in September of each year.

The interest rate for all taxes and fees administered by the Tax Commission for the 1999 calendar year is 7 percent.

Interest is in addition to any penalties due.

Rounding Off to Whole Dollar Amounts

You must round off cents to the nearest whole dollar. Round down if cents are under 50 cents. Round up if cents are 50 cents and above.

Line-By-Line Instructions

Heading

Print or type the information requested in the spaces provided (please use black ink). Please enter the full name of the estate or trust. The federal employer identification number (or social security number if the fiduciary is an individual) is required for both the estate or trust and the fiduciary.

Line 1 – Type of Return

Check the appropriate box that describes the entity for which you are filing the return. The type of return must match the type of entity indicated in part A of the federal Form 1041.

Line 2 – Status of Estate or Trust

Check the appropriate box that describes the status of the estate or trust. Refer to the General Instructions to determine if the estate or trust is a resident or nonresident entity.

Line 3 – Resident/Nonresident Beneficiaries

If any beneficiary of the trust is not a resident of Utah, check the box. If all the beneficiaries are residents of Utah, leave the box blank.

Resident defined

A trust beneficiary is a Utah resident if:

1. domiciled for the entire year in Utah even though temporarily outside of Utah (temporarily may be an extended period, even years in certain situations);
2. domiciled in Utah for any period of time during the taxable year, but only for the duration of such period; or
3. even though domiciled outside Utah, maintains a permanent place of abode within the state and spends a total of 183 days or more of the taxable year within Utah.

Part-year resident defined

A trust beneficiary is a part-year Utah resident if domiciled in Utah for part of the taxable year and domiciled outside of Utah for part of the taxable year. For purposes of this line only, the box should be checked if a beneficiary is a part-year resident.

Nonresident defined

A trust beneficiary is a Utah nonresident if that beneficiary is not domiciled in Utah, or was in Utah for a

temporary or transitory purpose for less than 183 days in the aggregate during the taxable year.

Line 4 – Federal Taxable Income

If you checked the box marked resident on line 2, enter the amount of federal taxable income from Form 1041, line 22. **If you checked the box marked non-resident on line 2**, enter the amount from Utah form TC-41, Schedule A, line 10. Instructions for Schedule A follow these Line-By-Line instructions.

Line 5 – State Income Taxes Deducted on Federal Return

If the fiduciary claimed any **income taxes** paid to Utah or any state, the District of Columbia, or a possession of the United States, as a deduction on the federal fiduciary return (line 11 of federal form 1041), the fiduciary **MUST** show the full amount claimed on this line unless it is a nonresident estate or trust. Amounts allocated to the beneficiaries should be included in line 10 of this form.

Line 6 – Interest on U.S. Government Obligations Allocated to Beneficiaries

Include all interest on U.S. government obligations allocated to beneficiaries. See *Additions and Subtractions for State Taxes, and Interest on U.S. Government Obligations Allocated to Beneficiaries*, in the General Instructions. Attach a schedule of all allocations.

Line 7 – Total

Add lines 4 through 6.

Line 8 – Interest Income From U.S. Government Obligations Included in Federal Taxable Income

You may only deduct the amount of interest or dividends from qualifying U.S. government obligations included in your federal adjusted gross income less expenses as outlined in "B" below. See the General Instructions on page 2.

Qualifying U.S. Obligations

The U.S. Supreme Court in *Smith v. Davis*, 323 U.S. 111 (1944) has set forth the *Smith* test as a basis for determining whether instruments qualify as U.S. government obligations. To qualify as an obligation of the United States exempt from state taxation under the *Smith* test, the instruments must:

- (1) be written documents,

- (2) bear interest,
- (3) contain a binding promise by the United States to pay specific sums at specified dates, and
- (4) have congressional authorization which also pledges the full faith and credit of the United States in support of the promise to pay.

Constitutional doctrine of intergovernmental immunity exempts federal obligations from tax under state or local authority when obligations are issued to secure credit to carry on the necessary functions of government.

You may deduct on line 8 the amount of exempt income *that is used in arriving at your federal taxable income* after reducing the deduction by certain expenses.

A. Exempt Income

Income, including trust income distributed to a beneficiary, from the following sources is exempt from Utah state income tax under United States laws:

- 1. interest income on bonds or other obligations of the United States government or its possessions (such as H, HH, E, or EE bonds); and
- 2. interest or dividends on bonds or securities of any United States authority, commission or instrumentality exempt from state income taxes under federal law.

B. Expenses

The exempt income claimed as a deduction must be reduced by the following expenses if the expenses were claimed as deductions in arriving at your taxable income:

- 1. interest on money borrowed to purchase or carry bonds or securities; and
- 2. ordinary and necessary expenses paid or incurred in connection with producing exempt income.

If paid out of a trust, include with your return a schedule showing the calculation of the income, name, residency and federal employer identification number of the trust making the distribution. Include any fiduciary adjustment on line 6.

Income from the following sources is **not** exempt from Utah state income tax:

- (1) interest or dividends from the Federal National Mortgage Association (FNMA) and Government National Mortgage Association (GNMA); and

- (2) interest on refunds from the Internal Revenue Service or any federal agency or department.

NOTE: The Tax Commission's Pub 33, Interest from U.S. Obligations, contains detailed listings of which specific U.S. securities and obligations are and are not taxable. To request the brochure, call (801) 297-6700 or 1-800-662-4335 outside the Salt Lake area.

Line 9 – Federal Tax

Enter on line 9 one-half of your federal income tax from federal Form 1041, line 23. Nonresidents estates or trusts, enter on line 9 one-half (1/2) of the federal tax liability multiplied by the percentage on Schedule A, line 5.

Line 10 – State Tax Addback Allocated to Beneficiaries

Include amount of state tax addback allocated to beneficiaries. See *Additions and Subtractions for State Taxes, and Interest on U.S. Government Obligations Allocated to Beneficiaries*, in the General Instructions. Attach a schedule of all state tax addbacks.

Line 11 – Other Deductions

Please check the appropriate box(es) provided on line 11 to indicate the type(s) of deduction(s) taken.

A. Utah Educational Savings Plan (UESP)

An account holder (participant) and beneficiary who has received a distribution from UESP, should receive a "Statement of Withholding For Utah Educational Savings Plan," form TC-675H, from the UESP trustee. An account holder may deduct the amount from line 1 of form TC-675H and a beneficiary may deduct the amount from line 4. Attach a copy of TC-675H to the return. If you have any questions about UESP, call 1-800-418-2551.

B. Railroad Retirement Pensions

If railroad retirement benefits paid by the Railroad Retirement Board which have been reported on form RRB 1099 as tier I or tier II income are paid to an estate in respect of a decedent, that income can be excluded from Utah taxable income. Only those distributions received by the estate which are included/reported on line 8 of federal form 1041 may be excluded from the Utah taxable income of the estate. Check the appropriate box and enter the amount on line 11. A copy of Form(s) 1099RRB must be attached.

C. Native American Income

An enrolled member of a Native American tribe in Utah who lives and works on the reservation on which he is an enrolled member is exempt from

Utah income tax on the reservation income. If unpaid Native American compensation is paid to a decedent's estate in respect of the decedent, and that income is included on line 8 of federal form 1041, check the appropriate box and enter the amount on line 11. A statement must be attached to the Utah return giving the name of the nation or tribe and the enrolled or census number of the decedent.

Line 12 – Total Subtractions

Add lines 8 through 11.

Line 13 – Utah Taxable Income

Subtract line 12 from line 7. This is your Utah taxable income. If less than zero, enter 0.

Line 14 – Utah Tax

Compute the tax for the amount on line 13 using the rate schedule on the back of the return.

Line 15 – Utah Use Tax

Utah residents who purchase items or services outside Utah for use or consumption in Utah, and do not pay use tax on those items, or pay use tax at a lower rate than the required use tax rate for the area where they reside, must pay use tax on the purchase price at the rate applicable to the area they reside.

For example, if you live in a city with a use tax rate of 6%, and you purchased an item outside Utah from a mail order catalog for a price of \$100, the use tax due on that item is \$6. If the vendor, outside Utah, did not collect the \$6 use tax to be distributed to Utah, you are liable to pay that amount on this income tax return. **Or**, if use tax was collected at 5% or \$5, which is less than the rate in this example, you are liable for an additional \$1.

If you owe use tax, you will need to contact the Tax Commission or your local government to determine what the use tax rate is for your location. You then should complete the worksheet below to determine

Worksheet for Computing Utah Use Tax

Retain this worksheet for your records.

- | | |
|---|----------|
| 1. Total amount of purchases subject to use tax | \$ _____ |
| 2. Use tax rate (decimal) | x _____ |
| 3. Use tax (multiply line 1 by line 2) | \$ _____ |
| 4. Credit for tax paid | \$ _____ |
| 5. Amount of use tax due (line 3 less line 4) <i>Enter ZERO if less than ZERO</i> | \$ _____ |

whether you are liable for use tax. (No credit is given for taxes paid in foreign countries.)

Line 16 – Amended Returns Only (Previous Refunds)

Use this line only if you are filing an amended return. When filing an amended return, enter the amount of all refunds, credits, or offsets of state income tax received for the tax year being amended. You should exclude refund interest from this amount.

Line 17 – Total Tax

Add lines 14 through 16.

Line 18 – Credit For Taxes Paid to Another State

This credit only applies to resident estates or trusts.

A Utah estate or trust must report all of its income regardless of where it was earned. If the estate or trust is also taxed by another state, the District of Columbia, or a possession of the United States, on income reported on the Utah return, it is entitled to a credit against the Utah income tax.

To calculate the credit for tax paid to other states, complete a separate Schedule B (on the back of the return) for each other state. You must also attach a signed copy of each state's fiduciary return for which a credit is claimed.

Line 19 – Utah Tax Withheld

Enter on line 19 the amount of Utah tax withheld shown on forms W-2, 1099R, 1099G, etc. You must attach these forms to the return.

Line 20 – Credit for Utah Income Tax Prepaid

Prepayments to be entered on line 20 include the amount paid with form TC-548, Voluntary Prepayment of Fiduciary Tax.

Line 21 – Other Credits

Enter on line 21 the total of "Other Credits" as determined on Schedule C, line 15 on the back of the return. Instructions for Schedule C follow these Line-By-Line instructions.

Line 22 – Amended Returns Only (Previous Payments)

Use this line only if you are filing an amended return. When filing an amended return, enter the amount of tax paid with the original return and/or subsequent payments of the tax prior to filing this amended return.

Line 23 – Total Credits

Add the credits on lines 18 through 22.

Line 24 – Tax Due

If the Utah tax shown on line 17 is larger than the total credits on line 23, enter the balance of tax due on line 24.

Line 25 – Penalty and Interest

This line is used only for extension, late filed or amended returns. If you owe penalty or interest, enter the amount you have computed. The penalty and interest charges are explained in the General Instructions of this booklet.

Line 26 – Total Amount Paid with Return

Add lines 24 and 25. Make check or money order payable to the Utah State Tax Commission and write the estate's or trust's federal employer identification number on it. Do not mail cash; the Tax Commission assumes no liability for loss of cash placed in mail.

Line 27 – Refund

If the total credits on line 23 are larger than the Utah tax on line 17, enter the amount of refund on line 27.

This is the amount to be refunded to you. Your refund will be issued as soon as reasonably possible. However, allow at least 90 days for your refund to be processed.

Instructions for Schedule A – Nonresident Estate or Trust

The income of a nonresident estate or trust includable for Utah fiduciary income tax purposes is that portion of its federal taxable income derived from Utah sources as defined below.

Lines 2 and 3 – Ordinary Income and Capital Gain or Loss Derived from Utah Sources

Include those items includable for federal fiduciary income tax purposes attributable to, or resulting from, ownership in Utah of any interest in real or tangible personal property (including real property or property rights from which “gross income from mining” as defined by the Internal Revenue Code of 1986 with revisions, Section 613(c) is derived); or the carrying on of a trade, business, profession or occupation in this state.

To determine ordinary income or capital gain or loss derived from Utah sources:

1. Income from intangible personal property, including annuities, dividends, interest, and gains from the disposition of intangible personal property, shall constitute income derived from Utah sources only to the extent that the income is derived from property employed in a trade, business, profession or occupation carried on in Utah.
2. Deductions with respect to capital losses, net long-term capital gains, and net operating losses shall be based solely on income, gain, loss and deduction connected with Utah sources. However, salaries, wages, commissions and compensation

for personal services rendered outside the state of Utah shall not be deemed as derived from Utah sources.

3. A nonresident beneficiary's distributive share of ordinary income, gain, loss and deduction derived from or connected with Utah sources shall be determined under Utah Code Ann. Section 59-10-118.
4. A nonresident estate or trust, other than a dealer holding property primarily for sale to customers in the ordinary course of a trade or business, shall not be deemed to carry on a trade, business, profession or occupation in the state of Utah solely by reason of the purchase or sale of property for its own account.
5. If a trade, business, profession or occupation is carried on partly within and partly without the state of Utah, items of income, gain, loss and deduction derived from or connected with Utah sources shall be determined in accordance with the provisions of Utah Code Ann. Section 59-10-118.

Place the amount of ordinary estate or trust income derived from Utah sources on Schedule A, line 2, and the amount of Utah capital gain or loss on Schedule A, line 3.

Line 6 – Deductions and Expenses Directly Allocable to Utah Income

Amounts directly allocable to Utah income include: Depreciation and depletion on Utah properties; interest and taxes pertaining to Utah property; deduction for distributions of Utah income to beneficiaries; capital gain deductions or expenses on Utah capital gains or losses; and estate tax deductions pertaining to Utah income.

Line 7 – Deductions and Expenses not Directly Allocable to any Specific Income

Amounts not directly allocable to Utah income include: charitable deductions; fiduciary fees; attorney and accountant fees; and the federal exemption.

Instructions for Schedule C – Other Credits

Line 1 – Energy Systems Installation Credit

Attach form TC-40E, "Energy Systems Installation Tax Credit" with the Office of Energy and Resource Planning stamp, verifying the credit has been approved.

To qualify for the Energy Saving Systems Tax Credit, you must have installed or upgraded a renewable energy system during the tax period.

In order to determine if your system or system components and installation qualify for the tax credit, you must submit a written application, complete with signatures and photocopies of receipts, to the Utah Office of Energy and Resource Planning. Application forms can be obtained from the Utah Office of Energy and Resource Planning, 1594 W. North Temple, Suite 3610, Box 146480, SLC, UT 84114-6480, telephone (801) 538-5428. If it is determined that your system meets the eligibility requirements, OERP will send you a TC40E form, with information on your eligible system and installation costs and the OERP stamp of approval for you to complete and submit with your taxes.

Line 2 – Clean Fuel Alternative Credit

Complete and attach form TC-40F, "Clean Fuel Alternative Tax Credit" with the Utah Energy Office seal, verifying the credit has been approved.

To qualify you must have purchased and installed EPA certified pellet burning stoves, high mass wood stoves, solid fuel burning devices, and natural gas or propane free standing fireplaces or inserts.

Contact the Division of Air Quality, Department of Environmental Quality, 1950 W. North Temple, SLC, UT 84114-4820; telephone (801) 536-4000 to obtain form TC-40F, systems certification, and for additional information.

Line 3 – Clean Fuel Vehicle Credit

Complete and attach form TC-40V, "Clean Fuel Vehicle Tax Credit," with the Division of Air Quality approval stamp, verifying the credit has been approved.

To qualify you must have purchased new vehicles that are fueled by propane, natural gas, or electricity and registered in Utah for the first time; purchased and

installed equipment to convert vehicles to be fueled by propane, natural gas, or electricity; or purchased and installed equipment to convert special fuel mobile equipment to be fueled by propane, natural gas, or electricity.

Contact the Division of Air Quality, Department of Environmental Quality, 1950 W. North Temple, SLC, UT 84114-4820; telephone (801) 536-4000 to obtain form TC-40V, systems approval, and for additional information.

Line 4 – Historic Preservation Tax Credit

Complete and attach form TC-40H, "Historic Preservation Tax Credit" with the State Historic Preservation Office certification, verifying the credit has been approved.

This is a credit for costs incurred in connection with qualified rehabilitation of any residential certified historic building. Unused credits may be carried forward five years as a credit against Utah tax due.

Contact the State Historic Preservation Office, 300 Rio Grande, SLC, UT 84101; telephone (801) 533-3563 to obtain form TC-40H, systems certification, and for additional information.

Line 5 – Enterprise Zone Credit

There is no form for this credit. Make sure you keep any documentation to support this credit.

Tax incentives described herein are available only to businesses where at least 51 percent of the employees employed at the facilities of the firm located in the enterprise zone are individuals who, at the time of employment, reside in the municipality or county that applied for the enterprise zone designation.

The following state tax credits are applicable to qualifying businesses in an enterprise zone.

1. A credit of \$750 for each new full-time position filled for not less than six months during a tax year.
2. An additional \$500 tax credit if the new position pays at least 125 percent of the county average monthly nonagricultural payroll wage for the respective industry as determined by the Department of Workforce Services. If this information is not available, the job must pay at least 125 percent of the total average monthly nonagricultural payroll wage in the respective county where the enterprise is located.
3. An additional credit of \$750 may be claimed if the new position is in a business that adds value to agricultural commodities through manufacturing or pro-

cessing.

4. An additional \$200 credit may be claimed for two consecutive years for each new employee who is insured under an employer-sponsored health insurance program, if the employer pays at least 50 percent of the premium cost for two consecutive years.

NOTE: Construction jobs and businesses engaged in retail trade or public utilities, are not eligible for the tax credits in paragraphs 1 - 4.

5. A 50 percent credit for cash contributions, not to exceed \$100,000, made to a private nonprofit corporation that is exempt from federal income tax under Section 501(c)(3) of the IRS Code, whose primary purpose is community and economic development, and is accredited by the Utah Rural Development Council Board of Directors.

6. A 25 percent credit of the first \$200,000 spent on rehabilitating a building, vacant for two years, in the enterprise zone.

7. An annual investment tax credit of 10 percent of the first \$250,000 investment and 5 percent of the next \$1,000,000 qualifying investment in plant, equipment, or other depreciable property.

A business claiming a credit under paragraphs 1- 4, may claim a credit for 30 full-time employee positions or less in each of its taxable years.

A business may claim an additional credit for a full-time employee position under paragraphs 1 - 4 above if:

- a. the business creates a new full-time employee position;
- b. the total number of full-time employee positions is greater than the number of full-time employee positions previously claimed by the business under paragraph 1 - 4; and
- c. the total number of credits claimed for its current taxable year, including the new full-time employee positions being claimed as a credit, is not greater than 30.

If the tax credit exceeds the tax liability, the credit amount exceeding the liability may be carried forward for a period that does not exceed the next three taxable years.

Indian tribes may apply for Enterprise Zone designation within an Indian reservation effective January 1, 1998.

If Enterprise Zone credits are being taken on your ownership in a partnership or S-corporation, you must allocate the above calculated credits based on your

respective percentage of ownership.

Contact the Department of Community and Economic Development, 324 S. State St., Suite 500, SLC, UT 84111, telephone (801) 538-8782 to obtain additional information.

Line 6 – Qualified Sheltered Workshop Cash Contribution Credit

There is no form for this credit. Make sure you keep any documentation to support this credit. The name of the qualified workshop must be written on the return to obtain credit.

Cash contributions made within the tax year to a nonprofit rehabilitation sheltered workshop facility for the handicapped operating in Utah and certified by the Department of Human Services as a qualifying facility, are eligible for a credit against Utah income taxes.

Check with the workshop to make sure they are a qualified sheltered workshop. The credit is equal to 50 percent of the total of cash contributions, not to exceed \$200. Contributions claimed as a tax credit under this section may not also be claimed as a charitable deduction in determining net taxable income (Utah Code 59-10-108). Enter amount and qualified workshop name on line 6.

Line 7 – Low Income Housing Credit

Complete and attach forms TC-40TCAC, "Utah Low-Income Housing Tax Credit Allocation Certification," and TC-40LI, "Summary of Utah Low-Income Housing Tax Credit," to your return. If you are carrying this credit forward or backward, you must also attach form TC-40LIC, "Utah Low-Income Housing Tax Credit Carryback and/or Carryforward," to your return.

This credit is an amount determined by the Utah Housing Finance Agency, for any housing sponsor that has received an allocation of the federal low-income housing tax credit and any applicant for an allocation of the federal low-income housing tax credit. Unused credits may be carried back three years or carried forward five years.

Contact the Utah Housing Finance Agency, 554 S. 300 E., SLC, UT, telephone (801) 521-6950 to obtain forms and eligibility.

Line 8 – Tax Credit For Employers Who Hire Persons With Disabilities

Complete and attach form TC-40HD, "Tax Credit for Employers Who Hire Persons with Disabilities," showing certification.

The credit is for employers hiring individuals with disabilities who: (1) worked in this state for at least six months in a taxable year for that employer; and (2) is

paid at least minimum wage by that employer.

Individuals with disabilities are defined as individuals who: (1) have been receiving services from a day-training program for persons with disabilities, which is certified by the Department of Human Services as a qualifying program for at least six consecutive months prior to working for the employer claiming the tax credit; or (2) are eligible for services from the Division of Services for People with Disabilities at the time the individuals begin working for the employer claiming the tax credit.

Questions concerning this credit, should be directed to the Utah Department of Human Services, Division of Services for People with Disabilities, 120 N. 200 W., Room 411, SLC, Utah 84103, telephone (801) 538-4200.

Line 9 – Recycling Market Development Zones

Attach the completed form TC-40R, "Recycling Market Development Zone Tax Credit" with the Department of Community and Economic Development certification, verifying the credit has been approved.

For tax years beginning January 1, 1996 and ending December 31, 2000, the Utah Legislature has authorized credit to individuals in a recycling market development zone as defined in Utah Code 9-2-1602.

Contact the Department of Community and Economic Development, 324 S. State St., Suite 500, SLC, UT 84114-7360, (801) 538-8804 to obtain form TC-40R and additional information.

Line 10 – Tutoring Tax Credit For Disabled Dependents

There is no form for this credit. Make sure you keep any documentation to support this credit.

This is a credit of 25 percent, up to \$100, of the cost paid by the taxpayer for tutoring a disabled dependent.

A "disabled dependent" is defined as a person who: (1) is disabled under Utah Code Section 53A-15-301; (2) attends a public or private kindergarten, elementary, or secondary school; and (3) is eligible to receive disability program monies under Utah Code Section 53A-17a-111.

"Tutoring," for purposes of this credit means educational services approved by an individual education plan team and provided to a disabled dependent that supplements classroom instruction the disabled dependent receives at a public or private kindergarten, elementary, or secondary school in the state.

Tutoring does not include: (1) purchases of instructional books and materials; and (2) payments for attendance at extracurricular activities, including sporting events, musical or dramatic events, speech activities, or driver education.

Contact the Utah State Board of Education at (801) 538-7700 for additional information.

Line 11 – Total of Nonrefundable Credits

Add lines 1 through 10 and enter the total on line 11. This amount cannot be greater than line 14 less line 18 on the front of the return.

Line 12 – Mineral Production Withholding Tax Credit

Enter on line 12 the total of the mineral production tax withheld as shown on forms TC-675R or federal schedule K-1(s) for 1998. Be sure to attach copies of form TC-675R or Schedule K-1 to the return to receive proper credit. (Include with other W-2 and 1099 forms.)

Line 13 – Credit for Agricultural Off-Highway Gasoline and Undyed Diesel Tax

Attach federal form 1040 Schedule F. There is no state form for this credit. Make sure you keep all personal records, forms, and worksheets to support this credit.

This is a 24.5 cents per gallon credit only for motor fuel and undyed diesel fuel purchased *in Utah* to operate stationary farm machinery used solely for commercial nonhighway agricultural use that was taxed at the time of purchase. Activities that DO NOT qualify for this credit include, but are not limited to, the following: Golf courses, horse racing, boat operations, highway seeding, vehicles registered for highway use, hobbies, farming for personal use, etc.

Multiply your total gallons eligible for the credit by .245 and enter the gallon and credit amount on line 13 of Schedule C - Other credits.

Line 14 – Nonresident Beneficiary Shareholder's Tax Credit

If you are a nonresident shareholder of a small business corporation, you are entitled to a credit on your Utah income tax withheld and paid by the corporation on behalf of nonresident shareholders. You are entitled to claim a credit equal to your respective share based on ownership as it relates to other nonresident shareholders and the amount withheld by the corporation on behalf of the nonresident shareholders.

Line 15 – Total of Other Credits

Enter the total of lines 11 through 14 here and on line 21 on the front of the return.

State of Utah
Utah State Tax Commission
210 North 1950 West
Salt Lake City, UT 84134

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CURRENT RESIDENT OR